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For those seeking to manage their estate planning, we provide a comprehensive selection of personal trust forms, including the widely utilized joint revocable trust often set up by parents or grandparents. Trusts can be categorized as either revocable, allowing for changes during the grantor's lifetime, or irrevocable, which are more permanent in nature.

(Beneficiary Name) **INCOME CAP TRUST**

Irrevocable Living Trust Agreement

Dated \_\_\_\_\_, 20\_\_

RECITALS:

This declaration of Trust is made this \_\_\_\_\_ day of 20\_\_\_\_, by

\_\_\_\_\_  
Grantor (Grantor Name)

\_\_\_\_\_  
(Beneficiary Name), as Grantor,

establishes a trust which is effective \_\_\_\_\_ (Date Effective),

for the benefit of \_\_\_\_\_ (Beneficiary Name),

the lifetime beneficiary ("Beneficiary").

The initial Trustee is \_\_\_\_\_ (Trustee Name)

ARTICLE 1 - NAME OF TRUST

This irrevocable trust shall be known as

"The \_\_\_\_\_ (Beneficiary Name)

**INCOME CAP TRUST".**

ARTICLE 2 - PURPOSE OF THE TRUST

The purpose of this Trust is to provide for the administration and disposition of the trust estate during and after the lifetime of the beneficiary, in accordance with the terms and conditions of the Trust. This Trust is created pursuant to Section 1917 (d) (4) (B) of the Social Security Act (42 USC 1396g). This trust document is created in order to enable the beneficiary to qualify for Medicaid, and any provisions of this trust which are deemed to be inconsistent or contrary to the intent of the above-referenced federal law shall be deemed to be void and of no further force or effect. All interpretations and actions taken by the trustee pursuant to this Trust shall be done for and with the purpose of creating, establishing, and maintaining the beneficiary's eligibility for Medicaid benefits.

Page2 INCOME CAP TRUST AGREEMENT

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IRREVOCABLE TRUST AGREEMENT

THIS AGREEMENT made and entered into the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

and between \_\_\_\_\_, an adult resident of \_\_\_\_\_,

County, \_\_\_\_\_, (hereafter referred to as "Grantor") and \_\_\_\_\_, (hereafter referred to as "Trustees").

WITNESSETH:

That for the good and valuable considerations (receipt of which is hereby acknowledged), and for the purpose of establishing an Irrevocable Trust to provide property hereinafter designated and for the other purposes hereinafter set forth, the Grantor does hereby convey, transfer and deliver to the Trustees the property as itemized and described in Schedule "A" which is attached hereto.

All of said property together with all subsequent additions thereto is to be held and administered by said Trustees as a trust, subject to the following uses, terms and conditions:

ARTICLE I

The Trustees shall hold and administer the income and principle of this Trust for the benefit of the Grantor's wife, \_\_\_\_\_ and child, \_\_\_\_\_, born \_\_\_\_\_, and any other children of the Grantor born after the execution of this Agreement (hereinafter collectively referred to as the "children").

Irrevocable Trust Agreement, Page 1

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SPECIMEN FORMS PROVIDED BY PENN MUTUAL ARE FOR ILLUSTRATIVE PURPOSES ONLY. NEITHER PENN MUTUAL NOR ITS AGENTS AND REPRESENTATIVES PROVIDE LEGAL ADVICE. BEFORE EXECUTING A LEGAL DOCUMENT OR IMPLEMENTING A TRANSACTION OR PLAN, A QUALIFIED ATTORNEY SHOULD BE CONSULTED.

IRREVOCABLE TRUST AGREEMENT

AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between \_\_\_\_\_, whose address is \_\_\_\_\_, herein called "SETTLOR(S)", and \_\_\_\_\_, herein called "TRUSTEE(S)."

WHEREAS the *SETTLOR* intends and desires to create an irrevocable trust for the benefit of the beneficiaries designated in this Trust Agreement,

NOW, THEREFORE, in consideration of these premises and the mutual promises contained herein, the *SETTLOR* and the *TRUSTEE(S)* hereby covenant and agree as follows:

TRANSFER OF PROPERTY

*SETTLOR* has transferred to the *TRUSTEE(S)* all right, title, and interest in and to the property and assets listed in the Schedule A which is attached hereto and made a part hereof, which said property and assets, and all additions thereto and income therefrom, shall herein be called the "TRUST ESTATE."

The *SETTLOR* and/or others may hereafter transfer to the *TRUSTEE(S)*, by inter vivos gift or testamentary devise or bequest, other property and assets, including life insurance policies on the life of the *SETTLOR* or others, which said additional property and assets shall be incorporated into the TRUST ESTATE as an integral part thereof.

The *TRUSTEE(S)* is hereby vested with full and complete title to the TRUST ESTATE, subject only to the terms and conditions of this Trust Agreement, and the *TRUSTEE(S)* hereby covenants and agrees to hold, administer, and distribute the TRUST ESTATE in accordance with the terms and provisions hereof.

BENEFICIARIES' RIGHT OF WITHDRAWAL

Any provision of this Trust Agreement to the contrary notwithstanding, within ten (10) days of receipt of any property or assets transferred to it, the *TRUSTEE(S)* shall notify the *SETTLOR'S* spouse and

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**FORM #17**  
[Irrevocable Trust, Code Section 2503(c) Trust. This trust is an example of the specimen that is described at 9A.020(a).]  
**IRREVOCABLE TRUST AGREEMENT**  
Made October 20, 2004.  
**ARTICLE I**  
**Purpose**  
I, JUDITH J. JONES, of Peoria, Illinois, transfer to JAMES A. JONES, of Peoria, Illinois, as Trustee, ten dollars and other consideration. The Trustee agrees to administer this property, together with any additions and changes, according to this instrument.  
**ARTICLE II**  
**Distribution of Trust Estate**  
Section 2.01. *Andrew L. Jones Trust.* The Trustee shall set apart the trust estate, in a separate trust to be known as the "Andrew L. Jones Trust" and to be administered as provided in this Section.  
(A) *Distributions.* The Trustee shall pay to Andrew L. Jones so much or all, if any, of the trust estate as the Trustee in its sole and absolute discretion determines to be advisable from time to time, considering or not considering resources otherwise available, for any purpose or reason whatsoever, including the termination of the trust.  
(B) *Right to Withdraw.* From and after the time Andrew L. Jones attains twenty-one years of age, the Trustee shall pay to Andrew L. Jones so much or all, if any, of the trust estate as Andrew L. Jones directs in writing at any time and from time to time.  
(C) *Termination.* Unless sooner terminated by distribution or expenditure according to the foregoing, the trust shall terminate upon the death of Andrew L. Jones, and the Trustee shall distribute the trust estate of the trust to such one or more appointees, including the children and the estate and the creditors of the estate of Andrew L. Jones, in such amounts and portions and subject to such trusts, terms and conditions as Andrew L. Jones may appoint by Will specifically referring to this power. To such extent, if any, as the trust estate of the trust is not effectively appointed, the Trustee shall distribute the trust estate of the trust to the then living descendants, per stirpes, of Andrew L. Jones or, if no descendant of Andrew L. Jones then is living, to the then living descendants, per stirpes, of my son, WILLIAM R. JONES, or, if no descendant of William R. Jones then is living, to my son, William R. Jones, if he then is living or, if he then is deceased, to the estate of my son, William R. Jones; provided, any share then issuing to my grandchild, KALPH Z. JONES, shall be distributed to the Trustee under the Irrevocable Trust Agreement, made the same date as this instrument between James A. Jones and me, creating the Trust named for Ralph Z. Jones.  
**ARTICLE III**  
**Additional Dispositive Provisions**  
Section 3.01. *Distributions to Certain Persons.* Property becoming payable to or for the benefit of a person who is under a minority or other legal disability or who is unable properly to manage it shall be paid in the discretion of the Trustee (i) directly to the person or (ii) to the guardian or conservator of the person's estate or (iii) to any custodian for the person under any applicable Uniform Gifts or Transfers to Minors Act or (iv) directly for the benefit of the person (including in reimbursement for amounts properly advanced for the person's benefit).  
Section 3.02. *Limitation of Deviation.* The rule against perpetuities does not and shall not, and (to the maximum extent possible) all other rules of law limiting the duration of trusts do not and shall not, apply to any trust that is created by this instrument or, directly or indirectly, by exercise of any power of appointment granted in this instrument. Without limiting the generality of the preceding sentence, the Trustee (or other person to whom the power property is granted or delegated) has the

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Grantor-retained annuity trusts (GRATs) are a type of irrevocable trust. Living trusts can be either revocable or irrevocable. The primary purpose of an irrevocable living trust is tax mitigation. Common irrevocable trusts include Bypass, QTIP, QDOT, charitable, generation-skipping, life insurance trusts, and those with grantor-retained interests. Other prevalent trust types are Spendthrift and Special Needs Trusts. A revocable trust offers flexibility, allowing the grantor to make changes, convert it to an irrevocable trust, or terminate it. However, this control ends with the grantor's death. It's advisable to have joint trusts to ensure one grantor retains control if the other passes away. [cheryl of coolidge by mullk raj anand](#) Ensure that the joint trust remains alterable by the surviving grantor to maintain flexibility. [lilivaterohota](#) It's possible to have both a will and a living trust, as they serve different purposes. A will details the distribution of your estate after death, while a living trust is effective immediately upon creation. [kekefuzuke](#) Careful coordination is necessary to avoid conflicts between the two documents regarding asset distribution. For those interested in setting up an irrevocable trust, [\\*\\*free printable irrevocable trust forms\\*\\*](#) are available online. These forms provide a starting point for creating a trust that suits your estate planning needs. Remember, consulting with a legal professional is always recommended to ensure that the trust aligns with your specific circumstances and goals. When considering the management of your assets for the future, understanding the differences between a living trust and a will is essential. Both serve distinct purposes in estate planning. Grantor-retained annuity trusts (GRATs) are a type of irrevocable trust. Living trusts can be either revocable or irrevocable. 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